

REMARKS

The Applicant submits this Amendment And Request for Reconsideration in response to the Office Action of 31 March 2009 for the above-identified patent application.

In the present amendment, the Applicant amends claims 1, 4-5, 8-9, 14, 16, 20-21, 24-25, 30-31, and 33-36, and cancels claims 2, 10-13, 17, 22-23, 26, and 29; no claims have been added. No new matter has been entered by this paper; the claim amendments are fully supported by the application as originally filed. The Applicant respectfully requests reconsideration of the pending claims as revised based on the following reasons.

*In the Office Action of 31 March 2009, the Examiner rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over Lehmusto (U.S. Patent No. 5,809,018) in view of Chakraborty et al. (US 2005/0176454). In response, the Applicant respectfully disagrees with the Examiner's rejection of claims as revised and submit that all pending claims are allowable for at least the following reasons.*

In order to properly establish rejections under 35 U.S.C. § 103, the prior art alone or in combination must teach or suggest each and every limitation of the claims. In the present case, the relied upon art fails to teach or suggest each and every limitation in the claims.

The claims relate to methods and apparatus for concurrently maintaining two or more group or "Push-to-Talk over Cellular" (PoC) communication sessions at the same time. In one embodiment, a first PoC communication session for a first user group is maintained while a second PoC communication session for a second user group is concurrently maintained, where the second user group has at least one common member with the first user group. The second user group may also have at least one member which is not included in the first user group or, alternatively, all of the members of the second user group may be included in the first user group. The PoC

sessions may be processed in either a combined or separate manner. If combined processing is utilized, then the mobile station processes and outputs audible signals from both PoC sessions simultaneously. If separate processing is utilized, then the mobile station processes and outputs audible signals from only a single PoC session at a given time. The manner in which the sessions are processed may be predetermined and fixed. That is, only combined PoC session processing or only support separate PoC session processing may be supported. Alternatively, both types of PoC session processing may be supported where only one type of processing is utilized at a given time as selected by the end user at user interface.

One of at least two different ways to facilitate such session processing may be utilized. One approach is at the mobile station (e.g. independent claim 16) and the other approach is at the PoC server (e.g. independent claim 25). The former approach may be more straightforward to implement but may utilize additional radio resources compared to the latter approach. If the mobile station approach is utilized, the PoC server sends data packets from all possible group sessions in which the mobile station may participate. The PoC user of the mobile station selects, at the user interface, which session should be heard at the mobile station or whether the group sessions should be combined. In response, the mobile station processes the data packets in the combined or separate manner accordingly. The selection by the PoC user at the user interface may be performed at any time to change the PoC session configuration. Whenever the PoC user selects a new session configuration at the user interface, the mobile station changes in the PoC session processing accordingly. If the PoC server approach is utilized, the mobile station sends an instruction message to the PoC server in response to user input corresponding to which session should be heard at the mobile station or whether the group sessions should be combined. Based on the decisions made at the user interface of the mobile station, the PoC server accordingly selects data packets of the chosen PoC group session or combines audio signals of data packets from multiple PoC group sessions, and causes the resulting/selected data packets to be sent to the

mobile station through a single channel. Data packets associated with an unused or discarded session is discarded at the PoC server and not sent over-the-air. The selection by the end user at the user interface may be performed at any time to change the PoC session configuration. Whenever the PoC user selects a new session configuration at the user interface, the mobile station sends a new instruction to the PoC server to request a change in the session configuration.

The relied upon art fails to teach, suggest, or render obvious the techniques of the present application. In the Office Action, the Examiner relies upon the teachings of Lehmusto in combination with the teachings of Chakraborty et al. The Examiner alleges that Lehmusto teaches all of the limitations in the independent claims, except for the specific use of PoC communications in Chakraborty et al.

In response, the Applicants respectfully disagree with the Examiner's rejections. Lehmusto relates to maintaining only a single group call for a subscriber station at any given time. The subscriber station in the teachings of Lehmusto is indeed allowed to select from more than one group call, but can select one and only one. The group call selection is made possible since the teachings of Lehmusto allow for the display of all existing group calls which may be participated in. Only the group call identifiers are simultaneously displayed in the display of the subscriber station. Still, however, Lehmusto relates merely to maintaining only a single selected group call for a subscriber station at any given time.

See e.g. Lehmusto in col. 5 at lines 39-42: “[o]f the group calls displayed, the user of the subscriber station may select the one he wishes to listen to and participate in by pressing one of the buttons 304, each of which stands for a given group call”; See also e.g. column 5 at lines 15-23: “[t]he acknowledgement which indicates that the subscriber station 200 has started to participate in a certain group call, i.e., it informs of the selection of a group call made by the user. The acknowledgement may inform the system controller that the subscriber station 200 no longer participates in a certain group call or that it has become engaged in a new group call, indicating at the same time

the identifier of the new group call"; See also e.g. col. 2 at lines 29-32: "the subscriber station continues to participate in the first group call or, if it desires, selects another group call from among the group calls whose group call data have been transmitted to the subscriber station."

The advantage emphasized in Lehmusto is that the subscriber is made aware of all of the possible group calls which are available – and thus may *prioritize* which one is most important for communications. See e.g. column 3 at lines 21-32: "[t]he advantage of the group call method, the system controller and the subscriber station according to the present invention is that the user of the subscriber station himself may prioritize the group calls in which he may participate. From the display of his subscriber station, i.e. mobile phone, the user can see in which group calls the subscriber station may participate. The user selects the group call in which he wishes to participate by means of the keyboard of the user interface. A further advantage of the invention is that the user is continuously aware of the group calls in which he could participate, and in addition, the user may monitor the frequency of occurrence of each of these group calls."

In contrast to the prior art, one advantage which may be conferred in the present techniques is that no prioritization or commitment to any single PoC communication session needs to be made – both sessions may be processed. In one embodiment, the PoC sessions are processed in a combined manner. If combined processing is utilized, then the mobile station processes and outputs audible signals from both PoC sessions simultaneously. The PoC sessions may alternatively be processed in a separate manner. If separate processing is utilized, then the mobile station processes and outputs audible signals from only a single PoC session at a given time, however the sessions are concurrently maintained so that setup/teardown procedures for group session selection may be avoided. Thus, the end user may easily switch between different sessions.

Even further, concurrent session processing may also be made easier through use of data packet communications, where simultaneous data packet sessions may be

maintained by a mobile station. The teachings of Lehmusto describe no such technical possibility, alone or in combination with Chakraborty et al.

Further reasons for the allowability of the independent and dependent claims are apparent to those ordinarily skilled in the art, but are not detailed herein due to the already-provided reasons for allowability of the claims.

As the claim limitations are not taught or suggested in the prior art, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejections and allow the pending claims as revised. The Applicant submits that the application as amended is now in a condition suitable for allowance.

Thank you. The Applicant encourages the Examiner to contact the undersigned if it helps to expedite prosecution of the present application.

Respectfully submitted,

/John J. Oskorep/

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JOHN J. OSKOREP  
Reg. No. 41,234

JOHN J. OSKOREP, ESQ. LLC  
ONE MAGNIFICENT MILE CENTER  
980 N. MICHIGAN AVENUE, SUITE 1400  
CHICAGO, ILLINOIS 60611 USA

Telephone: (312) 222-1860  
Fax: (312) 475-1850